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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroshi KOBATA et al.                      Art Unit : 2142  
Serial No. : 09/258,609                                      Examiner : P. Kang  
Filed : February 26, 1999  
Title : ELECTRONIC PARCEL DELIVERY SYSTEM

**MAIL STOP PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 CFR §§1.8(b) and 1.181, applicant hereby petitions to withdraw the Notice of Abandonment mailed February 16, 2005 (copy enclosed). The application was abandoned under 37 CFR §1.135 because the Patent and Trademark Office records indicate that the applicants failed to file a response to the Office action mailed on February 12, 2004. However, the applicant filed an amendment with a certificate of mailing date of August 12, 2004, which resulted in a notice of non-compliant amendment mailed on November 18, 2004. The applicant filed a response to the notice on December 10, 2004. A Notice of Vacated Action that was mailed February 15, 2005 (copy enclosed) vacated the Office communication mailed November 18, 2004 that provided the notice of non-compliant amendment and set a one-month period to reply. As noted previously, the applicant had filed a response to the notice on December 10, 2004, which was within the one-month period to reply.

As a result of the Notice of Vacated Action, the statutory period for response to the action of February 12, 2004, was deemed to have expired on August 12, 2004 without a proper response being filed by the applicant. A Notice of Abandonment was mailed on February 16, 2005 for failure to timely file a proper reply to the Office action of February 12, 2004. The Notice of Abandonment indicated that the reply received on August 12, 2004 did not constitute a proper reply or a bona fide attempt at a proper reply, reflecting the reasoning provided in the Notice of Vacated Action.

The Notice of Vacated Action indicates that the amendment of August 12, 2004 was signed by an improper party (Mr. Robert Gagne of Atabok Inc.) and, as such, could not be a bona fide attempt at a proper reply. The Notice of Vacated Action noted that the application was assigned to E-PARCEL, LLC on January 3, 2000 and that a power of attorney was granted to

Mr. John F. Hayden of Fish & Richardson, P.C. The Notice of Vacated Action indicated that no other papers are of record indicating any other changes in power of attorney or ownership.

Applicant respectfully notes that a name change recordation identifying the present application (09/258,609) that was filed on February 21, 2001, noted the name change of E-PARCEL, LLC to E-PARCEL, INC. of 29 Crafts Street, Suite 300, Newton, MA 02458. A notice of recordation confirming receipt and processing of this name change was mailed on May 8, 2001 (copy enclosed).

Applicant also respectfully notes that another name change recordation identifying the present application (09/258,609) that was filed on February 22, 2001 noted the name change of E-PARCEL, INC. to ATABOK INC. of 29 Crafts Street, Suite 300, Newton, MA 02458. A notice of recordation confirming receipt and processing of this name change also was mailed on May 8, 2001 (copy enclosed).

Applicant respectfully notes the recordation of the assignment of the present application from ATABOK INC. to ATABOK JAPAN, INC. of 1-1 Kandasuda-Cho, Mitsui-Asahi Building 6F, Chiyoda-Ku, Tokyo 101-0041, Japan. The assignment was recorded at Reel 01200, Frame 0387. A copy of patent assignment data for the present application from the Patent Application Information Retrieval (PAIR) system is enclosed.

In view of these documents, applicant submits that Atabok Japan, Inc. had, and has, authority to take action in this application. Applicant further notes that Mr. Robert Gagne was authorized to act, and was acting, on behalf of the assignee Atabok Japan, Inc. Accordingly, applicant submits that the response filed on August 12, 2004 was therefore proper.

The undersigned, applicant's attorney of record, first became aware of the abandonment on February 18, 2005, upon receipt of the Notice of Abandonment, and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

The following document(s) are submitted under 37 CFR §1.8(b)(2) as proof that Atabok, Inc. has authority was timely filed on March 29, 2004:

1. A copy of the Recordation of Name Change from E-PARCEL, LLC to E-PARCEL, INC of February 21, 2001.
2. A copy of Notice of Recordation of the name change E-PARCEL, INC. to ATABOK INC. mailed May 8, 2001.

3. A copy of patent assignment data for the present application from the Patent Application Information Retrieval (PAIR) system printed on March 24, 2005.

Applicant asserts that Mr. Robert Gagne was acting on behalf of the assignee Atabok Japan, Inc. As such, applicant submits that the response submitted on August 12, 2004 was properly signed, requests that the Notice of Abandonment be withdrawn, requests that the Office communication of November 18, 2004 that provided notice of non-compliant amendment be reinstated, and that the amendment filed on December 10, 2004 be entered as a timely response. Along with this petition, an associate power of attorney statement signed by an attorney of record and a supplemental amendment signed by an attorney of record is being filed to further address issues raised by the Office action mailed February 12, 2004, which was the last Office action on the merits.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: March 25, 2005

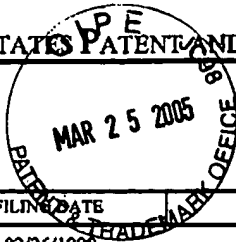
Barbara A Benoit

Barbara A. Benoit  
Reg. No. 54,777

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/258,609	02/26/1999	HIROSHI KOBATA	EPC-009	4096

26171 7590 02/16/2005

FISH & RICHARDSON P.C.  
 1425 K STREET, N.W.  
 11TH FLOOR  
 WASHINGTON, DC 20005-3500

EXAMINER

KANG, PAUL H

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



# **Notice of Abandonment**

Application No.	Applicant(s)	
09/258,609	KOBATA ET AL.	
Examiner	Art Unit	
Paul H Kang	2141	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

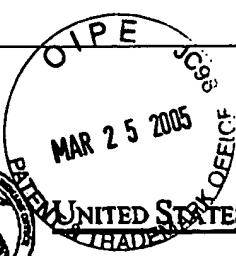
1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12 February 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☒ A reply was received on 12 August 2004 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicants' response received August 12, 2004 and December 10, 2004 do not constitute a proper reply, or a bona fide attempt at a proper reply because they were not properly signed by a person having authority to prosecute the application. MPEP 714.01(a). The amendments are listed in the contents of the application file, but not entered. See Notice of Vacated Action, previously mailed.

**PAUL H. KANG**  
**PRIMARY PATENT EXAMINER**

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Scanned: 2/17/2005



11985-10809  
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09/258,609	02/26/1999	HIROSHI KOBATA	EPC-009	4096

26171 7590 02/15/2005

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WASHINGTON, DC 20005-3500

EXAMINER

KANG, PAUL H

ART UNIT PAPER NUMBER

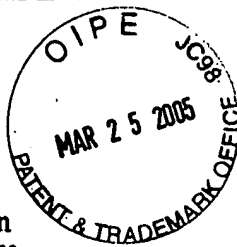
2141

DATE MAILED: 02/15/2005

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COMMISSIONER FOR PATENTS  
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ALEXANDRIA, VA 22313-1450  
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John F. Hayden  
Fish & Richardson  
1425 K Street, NW  
11<sup>th</sup> Floor  
Washington DC 20005-3500

In re Application of: Kobata et al. )  
Application No. 09/258,609 )  
Filed: February 26, 1999 ) **NOTICE OF VACATED ACTION**  
Atty Docket No.: 11365-008001 )  
For: ELECTRONIC PARCEL DELIVERY )  
SYSTEM )

This is a notice to applicants that the Office communication mailed November 18, 2004 was improper and is hereby vacated. The reasons are set forth below.

On January 3, 2000, applicants established the right of the assignee, E-PARCEL, LLC to take action in this application with a filing under 37 CFR 3.73(b). That paper granted a power of attorney to Mr. John F. Hayden of Fish & Richardson, P.C. Thereafter, on July 19, 2002, Fish & Richardson filed a change of address/power of attorney that associated a customer number to this application. No other papers are of record indicating any other changes in power of attorney or ownership.

On August 16, 2004 and on December 10, 2004, the Office received correspondence signed by one of the inventors, Mr. Robert Gagne of Atabok, Inc. The August 16, 2004 communication had a certificate of mailing date of August 12, 2004 and is therefore considered to be filed on August 12, 2004. In response to that communication, the Office mailed a Notice of Non-Compliant Amendment under 37 CFR § 1.121 that set a one-month period to reply. This communication was in error and is hereby **VACATED**.

For a revocation and appointment of a new power of attorney to be acceptable, applicants must file papers in compliance with 37 CFR § 1.36 and §§ 3.71, 3.73, if appropriate. The assignee must establish the right to take action before the assignee can prosecute the application (see MPEP § 324). The assignee, E-PARCEL LLC, properly established its right to take action in this application on January 3, 2000 but subsequent to that date, no other evidence of a change of ownership is of record. Therefore, Atabok, Inc. does not have authority to take action in this application until further evidence is provided that the ownership has changed.

Under 37 CFR § 1.33(b), amendment and other papers **must** be signed by

- (1) A registered patent attorney or patent agent of record appointed in compliance with §1.32(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34;

- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The amendment filed August 12, 2004 was not signed by a registered patent attorney or agent or by the assignee established under § 3.71. Therefore, the Office should not have entered the improperly signed amendment filed by Mr. Gagne (see MPEP § 714.01(a)).

It is noted that the MPEP § 714.01(a) states, in part, "In an application not under final rejection, applicant should be given a 1-month time period in which to ratify the previously filed amendment (37 CFR 1.135(c))." However, it is noted that 37 CFR § 1.135(c) addresses matters where there is a *bona fide* attempt to advance the application to final action, "but consideration of some matter or compliance with some requirement has been inadvertently omitted" and then applicant "may be given a new time period for reply under § 1.134 to supply the omission (emphasis added)."

A review of the application history indicates that Fish & Richardson properly filed papers from January 3, 2000 until November 5, 2003. There is no record that Fish & Richardson has petitioned to withdraw as attorneys of record and there are no papers indicating the assignee has revoked their power of attorney. In addition, the last Office action on the merits mailed on February 12, 2004 as well as the Notice of Non-Compliance mailed November 18, 2004 were addressed to Fish & Richardson and both Office communications were apparently forwarded to applicants who then responded directly to the Office.

In the face of such steady silence by both the assignee and the attorneys of record relating to the correspondence address, the power of attorney and the filing of amendments, the Office will not grant an extension of time to correct matters relating to an improperly signed (and non-compliant) amendment that was filed on August 12, 2004. The amendment was clearly signed by an improper party so no inadvertent omission occurred and therefore the reply is not considered *bona fide*.

As this amendment has not been entered, and as it was filed on the last day of the statutory period, the application is considered abandoned. A Notice of Abandonment will be forthcoming, with the date of abandonment being August 12, 2004.

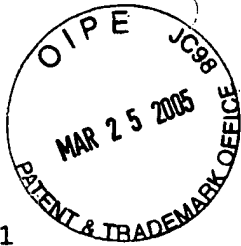
If applicants believe the Office has created a problem due to misplaced or misprocessed papers, then applicants' representative of record is invited to contact the undersigned in order to discuss the status of the current application.



Josie A. Ballato  
Special Programs Examiner  
Technology Center 2100  
Computer Architecture, Software, and Information Security  
571-272-3567



COPY



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MAY 08, 2001

PTAS



\*101626746A\*

FISH & RICHARDSON PC  
W. KARL RENNER  
601 THIRTEENTH STREET, NW  
WASHINGTON, D.C. 20005

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RECORDATION DATE: 02/22/2001

REEL/FRAME: 011541/0235  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
E-PARCEL, INC.

DOC DATE: 12/26/2000

ASSIGNEE:  
ATABOK, INC.  
29 CRAFTS STREET, SUITE 300  
NEWTON, MASSACHUSETTS 02458

Processing Required *
Reviewed By: Systems
Initials: <i>AP</i>
Reviewed By: Billing Secretary
Initials: <i>[Signature]</i>

SERIAL NUMBER: 09170431  
PATENT NUMBER:

FILING DATE: 10/13/1998  
ISSUE DATE:

SERIAL NUMBER: 09518378  
PATENT NUMBER:

FILING DATE: 03/03/2000  
ISSUE DATE:

SERIAL NUMBER: 09434634  
PATENT NUMBER:

FILING DATE: 11/05/1999  
ISSUE DATE:

SERIAL NUMBER: 08805443  
PATENT NUMBER:

FILING DATE: 02/25/1997  
ISSUE DATE:

011541/0235 PAGE 2

SERIAL NUMBER: 09688149  
PATENT NUMBER:

FILING DATE: 10/16/2000  
ISSUE DATE:

SERIAL NUMBER: 09281894  
PATENT NUMBER:

FILING DATE: 03/31/1999  
ISSUE DATE:

SERIAL NUMBER: 09258609  
PATENT NUMBER:

FILING DATE: 02/26/1999  
ISSUE DATE:

SERIAL NUMBER: 09334309  
PATENT NUMBER:

FILING DATE: 06/16/1999  
ISSUE DATE:

SERIAL NUMBER: 09557618  
PATENT NUMBER:

FILING DATE: 04/25/2000  
ISSUE DATE:

SERIAL NUMBER: 09556946  
PATENT NUMBER:

FILING DATE: 04/21/2000  
ISSUE DATE:

SERIAL NUMBER: 60218242  
PATENT NUMBER:

FILING DATE: 07/14/2000  
ISSUE DATE:

SERIAL NUMBER: 60224894  
PATENT NUMBER:

FILING DATE: 08/14/2000  
ISSUE DATE:

SERIAL NUMBER: 60240077  
PATENT NUMBER:

FILING DATE: 10/16/2000  
ISSUE DATE:

SERIAL NUMBER: 08801458  
PATENT NUMBER: 6058418

FILING DATE: 02/18/1997  
ISSUE DATE: 05/02/2000

SERIAL NUMBER: 08804114  
PATENT NUMBER: 6098180

FILING DATE: 02/18/1997  
ISSUE DATE: 08/01/2000

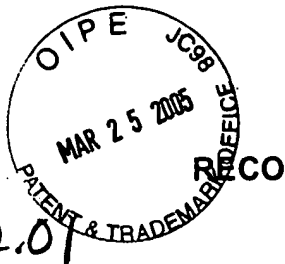
SERIAL NUMBER: 08970709  
PATENT NUMBER: 6138164

FILING DATE: 11/14/1997  
ISSUE DATE: 10/24/2000

SERIAL NUMBER: 08755029  
PATENT NUMBER: 5845074

FILING DATE: 11/22/1996  
ISSUE DATE: 12/01/1998

PEARLENE FOSTER, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

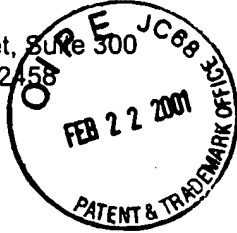





03-06-2001

Substitute Form PTO-1595  
Attorney Docket No.: 11365-002001

101626746

2.22.01

Commissioner for Patents: Please record the attached original document(s) or copy(ies).				
1. Name of conveying party(ies): <b>E-PARCEL INC.</b> Additional name(s) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies): <b>ATABOK INC.</b> 29 Crafts Street, Suite 300 Newton, MA 02458  Additional names/addresses attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance: <input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input checked="" type="checkbox"/> Change of Name <input type="checkbox"/> Other: Execution Date: 12/26/2000				
4. Application number(s) or patent number(s): <table border="1"><tr><td>A. Patent Application No(s): 09/170,431 09/518,378 09/434,634 08/805,443 09/688,149 09/281,894 09/258,609 09/334,309 09/557,618 09/556,946 60/218,242 60/224,894 60/240,077</td><td>B. Patent No(s): 6,058,418 6,098,180 6,138,164 5,845,074</td></tr></table> Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		A. Patent Application No(s): 09/170,431 09/518,378 09/434,634 08/805,443 09/688,149 09/281,894 09/258,609 09/334,309 09/557,618 09/556,946 60/218,242 60/224,894 60/240,077	B. Patent No(s): 6,058,418 6,098,180 6,138,164 5,845,074	
A. Patent Application No(s): 09/170,431 09/518,378 09/434,634 08/805,443 09/688,149 09/281,894 09/258,609 09/334,309 09/557,618 09/556,946 60/218,242 60/224,894 60/240,077	B. Patent No(s): 6,058,418 6,098,180 6,138,164 5,845,074			
5. Name/address of party to whom correspondence concerning document should be mailed: <b>W. KARL RENNER</b> Fish & Richardson P.C. 601 Thirteenth Street, NW Washington, DC 20005	6. Total number of applications/patents involved: 17 7. Total fee (37 CFR \$3.41): \$680 <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to charge Deposit Account. 8. Deposit Account No.: 06-1050 Please apply any additional charges, or any credits, to our Deposit Account No. 06-1050.			
<b>DO NOT USE THIS SPACE</b>				
9. Statement and Signature: <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>  <table><tr><td><b>W. Karl Renner</b> Reg. No. 41,265 Name of Person Signing</td><td> Signature</td><td><u>2/22/2001</u> Date</td></tr></table>		<b>W. Karl Renner</b> Reg. No. 41,265 Name of Person Signing	 Signature	<u>2/22/2001</u> Date
<b>W. Karl Renner</b> Reg. No. 41,265 Name of Person Signing	 Signature	<u>2/22/2001</u> Date		
Total number of pages including coversheet, attachments and document: 2				

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03/05/2001 GTON11 00000219 09170431

01 FC:581

680.00 DP

*State of Delaware*  
*Office of the Secretary of State*

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PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "E-PARCEL INC.", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "ATABOK INC.", THE TWENTY-SIXTH DAY OF DECEMBER, A.D. 2000, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE FIRST DAY OF JANUARY, A.D. 2001.



*Harriet Smith Windsor*  
\_\_\_\_\_  
Secretary of State

3205451 8320

010031677

AUTHENTICATION: 0925369

DATE: 01-19-01



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Patent and Trademark Office**

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MAY 08, 2001

PTAS



\*101624969A\*

FISH & RICHARDSON P.C.  
W. KARL RENNER  
601 THIRTEENTH STREET, NW  
WASHINGTON, DC 20005

* No Docketing Required *	
Reviewed By Practice Systems	Initials: <i>2P</i>
Reviewed By Billing Secretary	<i>[Signature]</i>

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RECORDATION DATE: 02/21/2001

REEL/FRAME: 011541/0023  
NUMBER OF PAGES: 2

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
E-PARCEL, LLC

DOC DATE: 03/31/2000

ASSIGNEE:  
E-PARCEL INC.  
29 CRAFTS STREET, SUITE 300  
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PATENT NUMBER:

FILING DATE: 03/03/2000  
ISSUE DATE:

SERIAL NUMBER: 09434634  
PATENT NUMBER:

FILING DATE: 11/05/1999  
ISSUE DATE:

SERIAL NUMBER: 08805443  
PATENT NUMBER:

FILING DATE: 02/25/1997  
ISSUE DATE:

SERIAL NUMBER: 09688149  
PATENT NUMBER:

FILING DATE: 10/16/2000  
ISSUE DATE:

SERIAL NUMBER: 09280894  
PATENT NUMBER: 6173617

FILING DATE: 03/29/1999  
ISSUE DATE: 01/16/2001

SERIAL NUMBER: 09258609  
PATENT NUMBER:

FILING DATE: 02/26/1999  
ISSUE DATE:

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PATENT NUMBER: 6098180

FILING DATE: 02/18/1997  
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SERIAL NUMBER: 08970709  
PATENT NUMBER: 6138164

FILING DATE: 11/14/1997  
ISSUE DATE: 10/24/2000

SERIAL NUMBER: 08755029  
PATENT NUMBER: 5845074

FILING DATE: 11/22/1996  
ISSUE DATE: 12/01/1998

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

03-05-2001

Substitute Form PTO-1595  
Attorney Docket No.: 11365-002001

REC



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101624969

Commissioner for Patents: Please record the attached original document(s) or copy(ies).

## 1. Name of conveying party(ies):

E-PARCEL, LLC

Additional name(s) attached? ☐ Yes ☒ No

## 2. Name and address of receiving party(ies):

E-PARCEL INC.

29 Crafts Street, Suite 300

Newton, MA 02458

## 3. Nature of conveyance:

- ☐ Assignment  
☐ Merger  
☐ Security Agreement  
☒ Change of Name  
☐ Other:

Execution Date: 03/31/2000

Additional names/addresses attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

## A. Patent Application No(s):

09/170,431  
 09/518,378  
 09/434,634  
 08/805,443  
 09/688,149  
 09/281,894  
 09/258,609  
 09/334,309  
 09/557,618  
 09/556,946  
 60/218,242  
 60/224,894  
 60/240,077

## B: Patent No(s):

6,058,418  
 6,098,180  
 6,138,164  
 5,845,074

Additional numbers attached? ☐ Yes ☒ No

## 5. Name/address of party to whom correspondence concerning document should be mailed:

W. KARL RENNER  
 Fish & Richardson P.C.  
 601 Thirteenth Street, NW  
 Washington, DC 20005

## 6. Total number of applications/patents involved: 17

## 7. Total fee (37 CFR §3.41): \$680

- ☒ Enclosed  
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## 8. Deposit Account No.: 06-1050

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9. Statement and Signature: *To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

W. Karl Renner

Reg. No. 41,265

Name of Person Signing

Signature

Date

2/21/2001

Total number of pages including coversheet, attachments and document: 2

40047230.doc

03/02/2001 6TON11 00000134 09170431

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*State of Delaware*  
*Office of the Secretary of State*

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PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE CERTIFICATE OF MERGER, WHICH MERGES:

"E-PARCEL, LLC", A DELAWARE LIMITED LIABILITY COMPANY,  
WITH AND INTO "E-PARCEL INC." UNDER THE NAME OF "E-PARCEL INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, WAS RECEIVED AND FILED IN THIS OFFICE THE THIRTY-FIRST DAY OF MARCH, A.D. 2000, AT 9:01 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CORPORATION SHALL BE GOVERNED BY THE LAWS OF THE STATE OF DELAWARE.



*Harriet Smith Windsor*

*Secretary of State*

3205451 8330

AUTHENTICATION: 0925136

010031499

DATE: 01-19-01

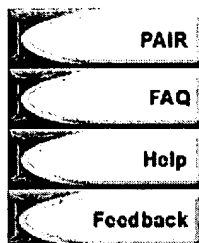
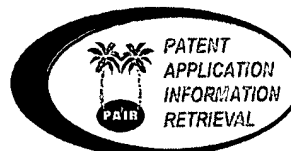




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## PATENT APPLICATION INFORMATION RETRIEVAL



## Patent Assignment Abstract of Title

## Total Assignments: 4

Application #: 09258609 Filing Dt: 02/26/1999

Patent #: NONE

Issue Dt:

PCT #: NONE

Publication #: NONE

Pub Dt:

Inventors: HIROSHI KOBATA, ROBERT GAGNE

Title: ELECTRONIC PARCEL DELIVERY SYSTEM

## Assignment: 1

Reel/Frame: 009939/0001	Received: 05/13/1999	Recorded: 05/10/1999	Mailed: 07/14/1999	Pages: 4
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Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: KOBATA, HIROSHI  
GAGNE, ROBERT

Exec Dt: 04/27/1999

Exec Dt: 04/27/1999

Assignee: E-PARCEL, LLC  
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NEWTON, MASSACHUSETTS 02158

Correspondent: TESTA, HURWITZ & THIBEAULT, LLP  
MICHAEL A. RODRIQUEZ  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110

## Assignment: 2

Reel/Frame: 011541/0023	Received: 03/05/2001	Recorded: 02/21/2001	Mailed: 05/08/2001	Pages: 2
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Conveyance: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor: E-PARCEL, LLC

Exec Dt: 03/31/2000

Assignee: E-PARCEL INC.  
29 CRAFTS STREET, SUITE 300  
NEWTON, MASSACHUSETTS 02458

Correspondent: FISH & RICHARDSON P.C.  
W. KARL RENNER  
601 THIRTEENTH STREET, NW  
WASHINGTON, DC 20005

## Assignment: 3

Reel/Frame: 011541/0235	Received: 03/06/2001	Recorded: 02/22/2001	Mailed: 05/08/2001	Pages: 2
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Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

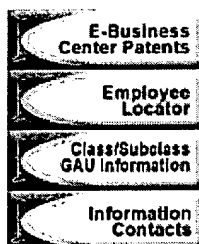
Assignor: E-PARCEL, INC.

Exec Dt: 12/26/2000

Assignee: ATABOK, INC.  
29 CRAFTS STREET, SUITE 300  
NEWTON, MASSACHUSETTS 02458

Correspondent: FISH & RICHARDSON PC  
W. KARL RENNER  
601 THIRTEENTH STREET, NW  
WASHINGTON, D.C. 20005

## Other Links



**Assignment: 4**

<b>Reel/Frame:</b> 012300/0387	<b>Received:</b> 11/14/2001	<b>Recorded:</b> 11/13/2001	<b>Mailed:</b> 01/31/2002	<b>Pages:</b> 3
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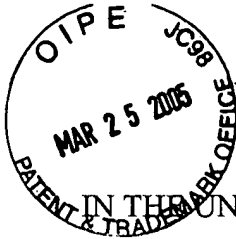
**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignor:** ATABOK, INC.**Exec Dt:** 11/08/2001**Assignee:** ATABOK JAPAN, INC.1-1 KANDASUDA-CHO  
MITSUI-ASAHI BUILDING 6F  
CHIYODA-KU, TOKYO 101-0041, JAPAN**Correspondent:** FISH & RICHARDSONJOHN F. HAYDEN  
601 THIRTEENTH STREET, NW  
WASHINGTON, DC 20005

Search Results as of: 3/24/2005 3:42:49 P.M.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroshi KOBATA et al.                      Art Unit : 2141  
Serial No. : 09/258,609                                      Examiner : P. Kang  
Filed : February 26, 1999                                  Confirmation No.: 4096  
Title : ELECTRONIC PARCEL DELIVERY SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT RE POWER OF ATTORNEY**

Under 37 CFR 1.32(c)(3), please associate and recognize, as my associates, the following Patent Practitioners as Attorneys/Agents of record in the above-identified application with full powers.

John F. Hayden, Reg. No. 37,640	Joseph F. Key, Reg. No. 44,827
W. Karl Renner, Reg. No. 41,265	Gregory A. Walters, Reg. No. 41,366
William G. Hughes, Jr., Reg. No. 46,112	Robert G. Devoto, Reg. No. 55,108
Brian J. Dorini, Reg. No. 43,594	Kevin E. Greene, Reg. No. 46,031
Barbara A. Benoit, Reg. No. 54,777	Diana DiBerardino, Reg. No. 45,653

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 3/24/05

  
\_\_\_\_\_  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Hiroshi KOBATA et al.	Art Unit :	2141
Serial No. :	09/258,609	Examiner :	Paul H. Kang
Filed :	February 26, 1999	Confirmation No.:	4096
Title :	ELECTRONIC PARCEL DELIVERY SYSTEM		

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT IN REPLY TO ACTION OF FEBRUARY 12, 2004

Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Cancelled)
2. (Currently Amended) The apparatus of claim [[1]] 34 wherein the server system receives the digital information from the sending system.
3. (Currently Amended) The apparatus of claim [[1]] 34 wherein the server system is a first server system, and further comprising:  
a second server system in communication with the sending system and the first server system, wherein the first server system receives the digital information from the sending system via the second server system.
4. (Currently Amended) The apparatus of claim [[1]] 34 further comprising:  
a second server system in communication with the sending and receiving systems, and wherein the sending system transmits the notification to the receiving system through the second server system.
5. (Currently Amended) The apparatus of claim [[1]] 34 further comprising:  
a storage device in communication with the server system; and  
wherein the server system stores the digital information at an address location of the storage device, and wherein the server system includes a page providing a path by which the receiving system can access the digital information at the address location.
6. (Original) The apparatus of claim 5 wherein the notification includes a resource locator.

7. (Original) The apparatus of claim 6 wherein the resource locator addresses the page on the server system.

8. (Original) The apparatus of claim 5 wherein the page requests valid authentication information from the receiving system before granting access to the digital information.

9. (Original) The apparatus of claim 5 wherein the page provides access to a graphical window describing contents of the digital information.

10. (Original) The apparatus of claim 9 wherein the graphical window includes a resource locator indirectly referencing the address location in the storage device where the digital information is stored.

11. (Previously Presented) The apparatus of claim 10 further comprising:  
a data structure mapping identifiers to address locations in the storage device, and  
wherein the resource locator includes a unique identifier corresponding to the digital information, the resource locator referencing a second page on the server system that accesses the data structure using the unique identifier to determine the address location of the digital information.

12. (Original) The system of claim 1 wherein the server system is a group of server systems acting logically as a single server system.

13. (Previously Presented) An electronic document delivery system, comprising:  
a server system;  
a sending system; and  
a receiving system in communication with the server and the sending systems, wherein:  
the sending system transmits digital information to the server system and a notification to the receiving system, the notification signifying to the receiving system that the sending system is transmitting the digital information to the server system, and

the receiving system, in response to the notification, can access the server system to obtain the digital information without accessing the sending system.

14. (Original) The system of claim 13 further comprising:

a second server system, in communication with the sending and the receiving systems, receiving the notification from the sending system and forwarding the notification to the receiving system.

15. (Original) The system of claim 13 wherein the server systems is a first server system, and further comprising:

a second server system, in communication with the sending and the first server systems, receiving the digital information from the sending system and forwarding the digital information to the first server system.

16. (Previously Presented) A method for delivering a document from a sending system to a receiving system over a network, comprising the steps of:

transmitting digital information from the sending system to a server system over the network;

storing the transmitted digital information at a storage device associated with the server system; and

transmitting a notification from the sending system to the receiving system signifying to the receiving system that the sending system is transmitting the digital information to the server system and that the digital information may be accessible to the receiving system accessing the sending system.

17. (Original) The method of claim 16 further comprising the step of transmitting the digital information from the server system to the receiving system in response to a request from the receiving system to access the digital information.

18. (Original) The method of claim 16 further comprising the step of confirming that the receiving system has completely received the digital information.

19. (Original) The method of claim 18 further comprising the step of executing server-side software on the server system through which the receiving system can obtain access to the digital information.

20. (Original) The method of claim 18 further comprising the step of maintaining a page on the server system through which the receiving system can obtain access to the digital information.

21. (Original) The method of claim 20 wherein the notification includes a resource locator for accessing the page on the server system.

22. (Original) The method of claim 16 wherein the sending system concurrently transmits the notification and digital information.

23. (Original) The method of claim 16 wherein the server system receives the digital information from the sending system.

24. (Original) The method of claim 16 further comprising the steps of:  
receiving the notification at a second sever system on the network; and  
transmitting the notification from the second server system to the receiving system.

25. (Original) The method of claim 16 wherein the server system is a first server system and further comprising the steps of:  
receiving the digital information at a second server system; and  
transmitting the digital information from the second server system to the first server system.

26. (Original) The method of claim 16 wherein the server system is a first server system and further comprising the steps of:  
receiving the notification and the digital information at a second server system on the network;  
transmitting the notification from the second server system to the receiving system; and



transmitting the digital information from the second server system to the first server system.

27. (Original) The method of claim 16 further comprising the step of:  
authenticating a user of the receiving system at the server system before granting access to the digital information by the user.

28. (Original) The method of claim 16 further comprising the step of tracking the digital information in real-time through the network.

29. (Original) The method of claim 28 wherein the step of tracking includes notifying the sending system when the receiving system starts using the digital information.

30. (Original) The method of claim 16 further comprising the step of canceling delivery of the digital information by the sending system after the sending system transmits the digital information to the server system.

31. (Original) The method of claim 16 further comprising the step of canceling delivery of the digital information at any time before the receiving system uses the digital information.

32. (Original) The method of claim 16 further comprising the steps of:  
transmitting the digital information from the server system to the receiving system;  
experiencing an interruption at a point in the transmission of the digital information;  
reestablishing a connection between the server system and the receiving system; and  
resuming transmission of the digital information starting with previously unsent digital information at the point of interruption.

33. (Cancelled)

34. (New) An apparatus for electronically delivering a document to a receiving system over a network, comprising:

a server system connected to the network and storing digital information received over the network; and

a sending system connected to the network and transmitting a notification to the receiving system, the notification signifying that the sending system is transmitting the digital information over the network to the server system and that the digital information may be accessible by the receiving system at the server system without accessing the sending system.

### REMARKS

In supplemental response to the non-final Office action of February 12, 2004, applicant asks that all claims be allowed in view of the amendment to the claims and the following remarks. This response supplements the response filed on August 12, 2004, which canceled claim 1 and added a new claim mistakenly also identified as claim 2 and now identified in the claim listing as claim 33. This supplemental response cancels claim 33 (that was previously identified as newly added claim 2 in the response filed on August 12, 2004) and adds claim 34. New claim 34 includes identical language to claim 1 that was cancelled in the response filed August 12, 2004. Claims 2-5 have been amended to depend from new claim 34.

Claims 2-32 and 34 are now pending, of which claims 34, 13 and 16 are independent. As noted previously, claim 33 has been cancelled, claim 34 has been added, and claims 2-5 have been amended. Applicant asserts that no new matter is added.

Independent claims 1, 13 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (U.S. Patent No. 5,790,790) in view of Ishibashi (European Patent Application EP 0 812 100 A2). With the cancellation of claim 1, the rejection of claim 1 is now moot. However, new claim 34 recited claim language identical to previously cancelled claim 1 and, for clarity, new claim 34 is discussed here before the rejected claims are discussed.

With respect to claim 34, applicant requests allowance because neither Smith, Ishibashi, nor any combination of the two describes or suggests having a sending system transmit a notification to a receiving system, with the notification signifying that the sending system is transmitting the digital information over the network to the server system, and that the digital information may be accessible by the receiving system at the server system without accessing the sending system, as recited in claim 34.

The rejection concedes that Smith does not teach that the sending system transmits both the digital information to a server system and a notification to a receiving system. The rejection then relies on Ishibashi to remedy this failure of Smith. However, Ishibashi does not describe or suggest a sending system that transmits to a receiving system a notification signifying that the sending system is transmitting the digital information over the network to the server system, as recited in claim 34.

Specifically, Ishibashi discloses a communication device that sends an electronic mail transmission over a network to a server. See Ishibashi at page 4, line 56 – page 5, line 35. After

the transmission of the electronic mail message to the server, the communication device sends a facsimile notification that the electronic mail message has been sent. See Ishibashi at page 6, lines 19-29 and page 7, lines 19-20.

Since the communication device sends the notification facsimile after transmitting the digital information (i.e., the electronic mail message), the notification message necessarily would not signify that the sending system is transmitting digital information that may be accessible at the server system. Rather, the message would, at best, indicate that the sending system transmitted digital information that may be accessible at the server system.

As such, Ishibashi does not disclose or suggest “a sending system connected to the network and transmitting a notification to the receiving system, the notification signifying that the sending system is transmitting the digital information over the network to the server system and that the digital information may be accessible by the receiving system at the server system,” as recited in claim 34, and, accordingly, does not remedy the failure of Smith to describe or suggest the subject matter of claim 34.

The rejection notes that “Ishibashi teaches that a notification to the recipient from the sender is sent ‘almost simultaneous’ with the transmission of the message to the server” at page 2, lines 42-59. See Office action of February 12, 2004 at page 7, lines 1-3. In particular, Ishibashi discloses that because “transmission of electronic mail to a computer network is notified to the receiving side almost simultaneous with the transmission of the mail, the receiving side can quickly be aware that electronic mail has been transmitted.” See Ishibashi at page 2, lines 46-48 (emphasis added). As such, Ishibashi discloses the closeness in time of the transmission of the message to the server to the time of the transmission of the notification to the recipient – that is, that the transmission of the message to the server is made almost simultaneously to the transmission of the notification to the recipient. However, Ishibashi also discloses in the cited portion that the notification to the receiving side enables the receiving side to be made quickly aware that the “electronic mail has been transmitted.” According to the plain text, Ishibashi discloses a notification that the electronic mail has been transmitted. Thus, Ishibashi does not describe a notification signifying that the sending system is transmitting the digital information over the network to the server system and that the digital information may be accessible by the receiving system at the server system. See also Ishibashi at FIG. 11 (showing a transmission notification report stating: “This is to inform you that an e-mail message has been sent.”).

For at least these reasons, applicant requests allowance of independent claim 34. Claims 2-12 are directly or indirectly dependent upon claim 34. At least for the reasons of that dependency and the reasons described above with respect to claim 34, applicant requests reconsideration and withdrawal of the rejection of claims 2-12.


Similarly to independent claim 34, amended claims 13 and 16 each recite a sending system transmitting a notification using a network to a receiving system, with the notification signifying that the sending system is transmitting the digital information over the network to the server system, and that the digital information may be accessible to the receiving system at the server system without accessing the sending system. Accordingly, for the reasons noted above with respect to claim 34, applicant requests withdrawal of the rejection of claims 13 and 16, and their dependent claims 14, 15 and 17-32.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: March 25, 2005

  
\_\_\_\_\_  
Barbara A. Benoit  
Reg. No. 54,777

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